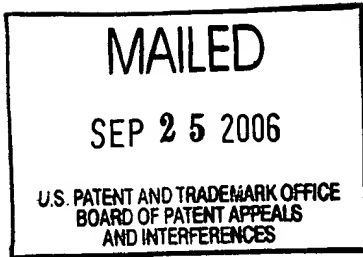


UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---



Ex parte ROBERT JOHN COLVER

---

Application No. 09/601,810

---

ORDER VACATING IN PART RETURN  
UNDOCKETED APPEAL TO EXAMINER

---

The "ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER," mailed on August 10, 2006 is vacated, as to the Appeal Brief. The original Appeal Brief was filed on August 3, 2004, not January 11, 2006. Accordingly, the brief filed on August 3, 2004 was filed under 37 C.F.R. § 1.192, and the Appeal Brief is in compliance with these rules.

However, the Examiner's Answer mailed on March 26, 2006, stated under the Evidence Relied Upon section, page 3, that "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A review of the file reveals that references were applied to the statement of rejection in the Grounds of Rejection section, pages 3-5, of the Examiner's Answer. Before further review, the examiner must submit a corrected examiner's answer that will include the references under the "Evidence Relied Upon" heading.

Application No. 09/601,810

Accordingly, it is

**ORDERED** that the application is electronically returned to the Examiner to issue a revised Examiner's Answer having the missing references listed under "Evidence Relied Upon" heading, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:



DALE M. SHAW  
Deputy Chief Appeal Administrator  
(571) 272-9797

GJH

cc: LEVISOHAN, BERGER & LANGSAM, LLP  
805 THIRD AVENUE  
19<sup>TH</sup> FLOOR  
NEW YORK, NY 10022